IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 32476 of 1997

Between:

Saroornagar Toddy Co-operative Society,

Rep by President Harishanker Goud
R/o Saroornagar , R.R.Dist.

..... PETITIONER

AND

1 Government. of A.P Rep by Principal Secretary to Government.
Revenue (Ex-II) Department Secretariat,
Hyderabad
2 The Commissioner of Prohibition & Excise A.P,
Hyderabad.
3 The Collector & District Magistrate RR Dist.
Hyderabad
4 The Superintendent of Prohibition & Excise , RR Dist,
NarayanaGuda, Hyderabad.
5 The Assistant Commissioner of Prohibition & Excise, Narayanaguda,
Hyderabad.

(Dismissed for default as per Court order dated 06.09.2000 as against R-4)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ particularly one in the nature of Writ of Mandamus, declaring the notification dt 27-11-1997 issued by the 3rd respondent in so far as it relating to Toddy Co-operative Society, Narsimhapuri Colony (Margadarshi Colony)and toddy Co-operative Society NTR Nagar are concerned as illegal, arbitrary, unjust and contrary to the guidelines of G.O Ms. No.835, dt 29-9-97 and

consequently direct the respondents not to issue licence to the New Toddy Co-operative Society in the area of operation of the petitioner society.

Counsel for the Petitioner: MR.V.VISWANATHAM

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the notification dated 27.11.1997 issued by the third respondent in so far as it relates to Toddy Co-Operative Society, Narsimhapuri Colony (Margadarsi Colony) and Toddy Co-Operative Society, N.T.R.Nagar are concerned as illegal, arbitrary and contrary to the guidelines of G.O.Ms.No.835, dated 29.09.1997, and consequently, to direct the respondents to issue licence to the New Toddy Co-Operative Society in the area of operation of the petitioner-society.

When the matter is taken up for hearing, neither the learned counsel for the petitioner is present nor there is any representation on his behalf. The learned Government Pleader for Prohibition and Excise appearing for the respondents submitted that the lease period under the said notification is for the year 1997-98, and as such due to lapse of time no cause of action survives for adjudication in this writ petition as the same has been rendered infructuous.

Accordingly, the writ petition is dismissed as having become infructuous due to efflux of time. No order as to costs.

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06.04.2005

dr/tvk
Copy to

1 The Principal Secretary to Government,

Government. of A.P.,
Revenue (Ex-II) Department Secretariat,
Hyderabad
2 The Commissioner of Prohibition & Excise A.P,
Hyderabad.
3 The Collector & District Magistrate RR Dist.
Hyderabad
4 The Superintendent of Prohibition & Excise , RR Dist,
NarayanaGuda, Hyderabad.
5 The Assistant Commissioner of Prohibition & Excise, Narayanaguda,
Hyderabad.

6 2 CCs to Government Pleader for Prohibition and Excise,

High Court Buildings, Hyderabad. (OUT)

7 2 CD copies